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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,560	04/06/2001	Roxanne Fawson	2865-4595US	6502

7590

10/18/2002

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EXAMINER

BECKER, DREW E

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 10/18/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Applicant N .

09/828,560

Applicant(s)

FAWSON, ROXANNE

Examiner

Drew E Becker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 August 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7-13, 16-17, 19, 21-22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans [Pat. No. 1,152,308].

Evans teaches a liner comprising a bottom wall, sidewall, and upper portion which form a liquid retaining surface (Figure 1, 9), an extendable, bendable, collapsible, continuous handle (Figure 1, 13), a linear frame structure which supports the liner and slidably and insertably connects to the handle and upper portion (Figure 1, 12), the liner being configured to fit within a dutch oven (Figure 1, 1), and the frame being rigidly bonded to the liner via rivets (Figure 1, 14). Evans also inherently teaches a method of fabricating the liner by forming it (Figure 1).

3. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Hettinger. Hettinger teaches a method of cooking by providing a dutch oven with an inner surface, an outer surface, and ridge (Figure 1, 10), a lid (Figure 1, 11), providing a liner with a bottom, a sidewall, an upper portion, and a handle (Figure 1, 22 & 30), disposing the liner within the dutch oven (Figure 1), providing food in the liner (page 2, line 24), maneuvering the handle down (Figure 1, 30), placing the lid upon the ledge (Figure 1, 11), placing the dutch oven near a heat to cook the food (page 2, line 36), and

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inherently removing the dutch oven from the heat, removing the lid, and removing the liner via the handle.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6, 14-15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans as applied above, in view of Steger [Pat. No. 949,453]. Evans teaches the above mentioned components. Evans does not teach a linear structure and continuous ring extending along the upper portion, sidewall, and bottom; and two layers. Steger teaches a liner (Figure 1, 2) comprising a handle (Figure 1, 8), a frame with linear portions and a ring structure (Figure 1, 4 & 6), and the frame being inserted between the liner and ring (Figure 1). It would have been obvious to one of ordinary skill in the art to incorporate the liner support structure of Steger into the invention of Evans since both are directed to liners, since Evans already included a frame structure (Figure 1, 12), and since the support structure of Steger would have provided better, and more durable, support and weight distribution of the liner and its food contents as taught by Steger (column 1, lines 36-48).

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans as applied above, in view of Racz [Pat. No. 3,934,748].

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Evans teaches the above mentioned components. Evans does not teach the use of aluminum. Racz teaches a pot with an aluminum insert (column 7, line 35). It would have been obvious to one of ordinary skill in the art to incorporate the aluminum of Racz into the invention of Evans since both are directed to liners, since Evans teaches using any suitable material (page 1, line 97), and since aluminum was a common material for liners as shown by Racz.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Greenfield et al [US 2002/0079316 A1], Wallsten [Pat. No. 4,164,174], Chappell [Pat. No. 6,457,601], Staley [Pat. No. 607,631], Binks [Pat. No. 4,320,699], and Itoh et al [Pat. No. 5,251,542] teach cooking devices with liners.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew E Becker whose telephone number is 703-305-0300. The examiner can normally be reached on Monday-Thursday 7am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1495.

Drew Becker  
October 10, 2002

  
**KEITH HENDRICKS**  
**PRIMARY EXAMINER**